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8 Attorneys for Plaintiffs  
9 Ivera Medical Corporation and  
10 Becton, Dickinson and Company

11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 IVERA MEDICAL CORPORATION  
14 and BECTON, DICKINSON AND  
15 COMPANY,

16 Plaintiffs,

17 v.

18 HOSPIRA, INC.,

19 Defendant.  
20

Case No. '14CV1345 JAH BLM

**COMPLAINT**

**JURY TRIAL DEMANDED**

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22  
23 Plaintiffs Ivera Medical Corporation (“Ivera”) and Becton, Dickinson and  
24 Company (“BD”) (Ivera and BD collectively referred to herein as “Plaintiffs”), for  
25 their Complaint against Defendant Hospira, Inc. (“Hospira” or “Defendant”), aver as  
26 follows:  
27  
28

**PARTIES**

1  
2 1. Plaintiff Ivera is a California corporation with its principal place of  
3 business at 10805 Rancho Bernardo Road, Suite 100, San Diego, CA 92127.

4 2. Plaintiff Becton, Dickinson and Company is a New Jersey corporation  
5 with its principal executive offices at 1 Becton Drive, Franklin Lakes, New Jersey,  
6 07417.

7 3. Defendant Hospira is a Delaware corporation with its principal place of  
8 business at 275 North Field Drive, Lake Forest, Illinois 60045.

9  
10 **JURISDICTION AND VENUE**

11 4. This is a civil action for patent infringement arising under the patent  
12 laws of the United States of America, 35 U.S.C. § 1, et. seq.

13 5. This Court has jurisdiction over the subject matter of the Complaint  
14 pursuant to 28 U.S.C. §§1331 & 1338.

15 6. This Court has personal jurisdiction over Hospira because Hospira  
16 purposefully ships the infringing products through established distribution channels  
17 into the State of California and is engaged in substantial and regular business in the  
18 State of California and the Southern District of California.

19 7. Venue is proper under 28 U.S.C. §§1391(b) and 1400.  
20

21 **BACKGROUND**

22 8. On June 3, 2014, United States Patent No. 8,740,864 (the “’864  
23 patent”), on an invention entitled “Patient Fluid Line Access Valve Antimicrobial  
24 Cap/Cleaner” was duly and legally issued by the United States Patent and  
25 Trademark Office. A copy of the ’864 patent is attached hereto as Exhibit A.

26 9. BD is and has been the owner of the ’864 patent since its issuance.  
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28

1           10. Ivera is the exclusive licensee of the '864 patent and has the authority  
2 to enforce the '864 patent.

3           11. Hospira imports, uses, offers to sell, and sells the infringing LifeShield  
4 EffectIV-Cap products (referred to herein as the "Accused Products").

5           12. The Accused Products infringe one or more claims of the '864 patent in  
6 the United States within the meaning of 35 U.S.C. § 271.

7  
8                                   **FIRST CAUSE OF ACTION**

9                                   **(INFRINGEMENT OF THE '864 PATENT)**

10           13. Plaintiffs reallege and incorporate the previous paragraphs of this  
11 Complaint as though set forth in full herein.

12           14. Hospira has used, offered for sale, sold, and/or imported into the United  
13 States the Accused Products, which literally and under the doctrine of equivalents  
14 infringe one or more claims of the '864 patent in violation of 35 U.S.C. §271.

15           15. Hospira actively induces infringement of the '864 patent by users of the  
16 Accused Products in violation of 35 U.S.C. §271(b). Hospira closely monitors  
17 patents owned or licensed by Ivera and has knowledge of the '864 patent. Hospira  
18 specifically intends its customers to infringe the '864 patent by using the Accused  
19 Products to maintain luer activated valves providing fluid line access in accordance  
20 with Hospira's instructions for use. Hospira knows that use of the Accused Products  
21 by engaging the threads of the Accused Products with the external threads on luer  
22 activated valves to attach the Accused Products constitutes infringement of the '864  
23 patent.

24           16. Plaintiffs have been damaged and have suffered irreparable injury due  
25 to acts of patent infringement and inducement by Hospira and will continue to suffer  
26 irreparable injury unless Hospira's activities are enjoined.



**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a jury trial as to all issues that are so triable.

Dated: June 3, 2014

X-PATENTS, APC

By: /s/Jonathan Hangartner

JONATHAN HANGARTNER

Attorneys for Plaintiffs Ivera Medical  
Corporation and Becton, Dickinson and  
Company